

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Linton, Carl Confirmation No. 8998
Serial No.: 10/659,997 Art Unit: 3714
Filed: September 11, 2003 Examiner: Cheung, Victor
For: **METHOD AND APPARATUS FOR CYCLIC VARIATIONS IN ALTITUDE
CONDITIONING**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION PURSUANT TO 37 CFR §1.131

Sir:

I, Carl E. Linton, do hereby declare as follows:

1. I have read the specification of the above-identified application, the pending claims and the Office Action mailed by the USPTO on August 5, 2008.
2. I am the inventor of the subject patent application (Linton) identified above.
3. I understand that the Examiner has rejected the claims as allegedly being obvious in view of several references, one of which is US Patent Application Publication No. 2004/0261796, ("Butler"), which has a priority date of June 30, 2003.
4. The present application was filed on September 11, 2003. Butler, therefore was published less than one year prior to the effective filing date of the present application.
5. I conceived of the invention described and claimed in the present application prior to June 30, 2003, and, coupled with diligence, subsequently filed the present application concerning the devices and methods described and claimed therein.
6. Attached herewith is a confidential, internal document entitled "CVAC Innovations Planned." This document was drafted by me on or about May 30, 2003 as noted on the first page of the document.

7. The "CVAC Innovations Planned" document identifies the features of certain CVAC devices that are claimed in my present application, including a user sensor, and shows my conception of the claimed invention at least as early as May 30, 2003.

8. Also attached to this declaration are metadata analyses files of three exemplary drafts of the application entitled "Metadata Analysis of JHL revised draft of CVAC Patent App 7-10-03," "Metadata Analysis of JHL 2nd revised draft re CVAC Patent App 7-17-03," and "Metadata Analysis of JHL 3rd revised draft re CVAC Patent App 7-24-03." Discussions regarding the application occurred, and drafts of the application were exchanged, between my patent attorney, Mr. Joseph H. Lee, and me as we diligently worked on the patent application leading up to the September 11, 2003 filing date. The attached metadata analysis files were obtained from three exemplary drafts that I currently have in my possession and were created during the drafting of the application leading up to the September 11, 2003 filing date of the application.

9. I received the metadata analyses files on December 30, 2008 from Brent Winfield, an Electronic Data Analyst at Wilson Sonsini Goodrich & Rosati located in San Diego, California.

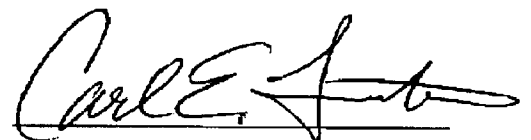
10. I am the author identified as "CVAC" in the metadata analysis files.

11. The metadata analysis files for three exemplary drafts of my patent application show that these exemplary drafts were created and edited by Joseph H. Lee and CVAC on July 8, 2003, July 17, 2003, and July 24, 2003, and show that the application was diligently worked on throughout the period leading up to the September 11, 2003 filing date by Mr. Lee and myself.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section § 1001 of Title XVIII of the United States Code and that willful, false statements may jeopardize the validity of this Application for Patent or any patent issuing thereon.

Respectfully submitted,

Dated: 12/30/2008



Carl E. Linton

CVAC Innovations Planned

May 30, 2003

The following are innovations planned for development and subsequent release to the general public in the future.

Foundation:

At this time the CVAC process, as it is being delivered, consists of rotating programs that align to 12 separate groups. The groups correspond to "*body types*". Classification criteria of the different *body types* will be covered separately.

The process is intended to create general ameliorative effects on the individual. This is targeted at a broad population initially.

The below listed are not necessarily in order of release.

Planned Process Innovations:

- Specific adjustments in programmed sessions that account for movement across time zones.
- Adjustments in programs that account for tidal influences and (in some cases) changes in the weather.
- Adjustment in programs that account for the age of the client.
- Specific programs for specific activities (such as golf, football, mountaineering, etc.)
- Automated "Blow Down" programs to facilitate rapid recovery.
- Quick hit programs to give the user a quick lift in a couple of minutes. It's better than coffee but doesn't taste near as good.
- Sessions specifically designed to allow clients to tolerate/digest foods that they normally would not tolerate well.

- Programs that integrate other healing or pleasurable techniques with CVAC. The most obvious would be massage. This would maximize any synergy that occurred during the session.
- Specific programs to address quickly, hangover, jet lag and other types of temporary discomforts that people have.
- Learning aid for students and others who need increase in clarity and sharpness.
- Medically specific programs for diagnosed conditions. This is huge.
- Programs to enhance the effect of medications.
- Programs for military activities such as unconventional warfare personnel preparation and facilitation of rapid deployment in various biomes.
- Obstetric and neonatal programs.
- Newborn and pediatric programs.
- Programs specific to individuals going through puberty and also menarche.
- Geriatric specific programs.
- Sybaritic programs for couples and more.
- Veterinary programs. All the innovations used on humans can be related to any living system.
- Industrial applications for producing enhanced products made from living systems.
- Auto-adjusting programs that maximize and compensate for changes in real time to give clients a perfect customized session every time. All the above innovations would be incorporated into a single module.

Planned Device Innovations:

- A completely clear lid that has holographic etched logos and effects thereon.
- Voice recognition or other similar type of recognition system.
- An interactive control panel/touch screen or similar device that can be used to view media or have net meetings or browse the net or shop and buy things, etc.
- A non-invasive covert sensing system that would allow for auto-compensating programs. A degree of AI is inherent in such a system. Factors such as bioelectric frequency, regional circulation phenomena, regional temperature phenomena, papillary dilation and other factors not listed herein would be utilized.
- Specific veterinary units with all the accoutrements needed to accommodate each animal.
- Lap pool units
- Hot tub/spa units
- Massage and other synergistic modality units
- Severe environment units (heat/cold, etc.)
- Aromatherapy devices specifically adapted for CVAC.
- Portable units/mobile units.
- Units specially designed for emergency treatment.
- Manifold system for multiple units in a single enclosure.

That's it for now. I just may have forgotten or omitted something. If it comes up, I'll be sure to send it to you.

Carl Linton, Inventor of CVAC

Analyzing C:\Analysis\JHL revised draft of CVAC Patent App 7-10-03.doc

Document Name: JHL revised draft of CVAC Patent App 7-10-03.doc (Read-Only)

Document Format: Word Document

Compatibility Options: Microsoft Word 97

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Last 10 authors:

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Author: Joseph H. Lee Path: C:\Documents and Settings\leej4\Desktop\CVAC Patent App 7-8-03.doc

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Author: Joseph H. Lee Path: C:\Documents and Settings\leej4\Application Data\Microsoft\Word\AutoRecovery save of JHL 2nd revised draft re CVAC Patent App 7-17-03.asd

Author: Joseph H. Lee Path: C:\Documents and Settings\leej4\Desktop\JHL 2nd revised draft re CVAC Patent App 7-17-03.doc

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